

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

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In re:

**Kimberly Gallop,**

Bankruptcy Case No.: 10-80779

Social Security No. xxx-xx-9017

Mailing Address: 1646 Snowmass Way, , Durham, NC 27713-

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Debtor.

**Kimberly Gallop,**

Plaintiff, A.P. No.: \_\_\_\_\_

**Wells Fargo Financial**

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Defendant.

**CONSENT JUDGMENT**

**THIS MATTER** coming before the Court by consent of the Parties in this action to value collateral and to determine the secured status of said claim held by the Defendant. Therefore, pursuant to such consent, Judgment is entered in this matter as follows:

1. This matter is a core proceeding pursuant to 28 U.S.C. § 157, and the Court has jurisdiction pursuant to 28 U.S.C. §§ 151, 157 and 1334;
2. The Defendant in this proceeding, and all other parties in interest, were duly served with the Complaint and the Defendant is deemed to have responded to the Complaint by virtue of this Consent Judgment;
3. This action was properly commenced, in accordance with 11 U.S.C. §§ 506, 1322(b)(2), 1325(a)(5) and 1327 (c) of the Bankruptcy Code and Section 7001 of the Bankruptcy Rules, and that there is just cause to grant the relief requested, as it would appear that the claim of Wells Fargo Financial secured by a Deed of Trust (recorded on January 22 2008 in Book 5849 at Page 911, Durham County Registry of Deeds), is an unsecured claim, and therefore, in accordance with 11 U.S.C. §§ 506, 1322(b)(2), 1325(a)(5) and 1327 (c), that the lien imposed by said Deed of Trust is voidable pursuant to the terms and conditions of this Judgment.

**NOW THEREFORE, IT IS THEREFORE ADJUDGED, ORDERED AND DECREED** as follows:

1. That the aforesaid claim held by Wells Fargo Financial is deemed to be an unsecured claim and shall to be treated as a general unsecured claim in the Plaintiff's Chapter 13 plan;

2. That Wells Fargo Financial shall cancel, pursuant to N.C.G.S. § 45-36.9, said Deed of Trust within thirty (30) days of the receipt of Notice of entry of the Plaintiff's discharge pursuant to 11 U.S.C. § 1328(a) in the Debtor's base case;
3. That upon the granting of the Plaintiff's discharge in the base case and in accordance with the requirements of N.C.G.S. §47-29, the Register of Deeds for the County of Durham, North Carolina, may record in the office of said Register of Deeds a copy of this order, together with a copy of the discharge order issued in this bankruptcy case upon being presented with certified copies thereof.

Law Office of John T Orcutt

The Van Winkle Law Firm

/s Edward C. Boltz

Edward C. Boltz

Attorney for Plaintiff

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Durham NC 27705

/s Mark Pinkston

Mark Pinkston

Attorney for Defendant

NC State Bar No.: 16789

11 North Market Street

Asheville, NC 28801

Chapter 13 Trustee

/s Richard M. Hutson, II

Richard M. Hutson, II

Chapter 13 Trustee

Post Office Box 3613

Durham, NC 27702

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**Kimberly Gallop,**

Plaintiff, A.P. No.: 10-5555

**Wells Fargo Financial**

Defendant.

**SERVICE LIST FOR JUDGMENT**

Richard M. Hutson, II  
Chapter 13 Trustee  
Post Office Box 3613  
Durham, N C 27702

U.S. Bankruptcy Administrator  
Post Office Box 1828  
Greensboro, N.C. 27401

Kimberly Gallop  
1646 Snowmass Way  
Durham, NC 27713-

Wells Fargo Financial  
**Attn: Managing Agent**  
Post Office Box 2155  
Rocky Mount, NC 27802-

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